

IMEG323.001AUS

PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant : Siau, et al.  
Appl. No. : 10/756,846  
Filed : January 13, 2004  
For : METHOD FOR PLATING AND  
PLATING SOLUTION  
THEREFOR  
Examiner : Unassigned  
Group Art Unit : 1762

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence and all marked attachments are being deposited with the United States Postal Service as first-class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on

November 12, 2004

(Date)

Rose M. Thiessen, Reg. No. 40,202

**PETITION TO FILE DECLARATION ON BEHALF OF NONSIGNING  
INVENTOR WHO REFUSES TO SIGN UNDER 37 C.F.R. §1.47(A)**

**Mail Stop Missing Parts**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In response to the Notice to File Missing Parts mailed April 16, 2004, Applicant hereby petitions under the provisions of 37 C.F.R. § 1.47(a), that the Commissioner grant the filing date and examine the above-identified patent application despite the fact that one of the two joint inventors named in this application has refused to execute such an oath or declaration in accordance with 37 C.F.R. §1.63. In support for this petition, Applicant provides the following:

**DECLARATION OF INVENTORSHIP**

A Declaration of Inventorship, attached herewith, was executed by Jan Vanfleteren, one of the two named inventors on behalf of himself and on behalf of the omitted inventor, Sam Siau, who has refused to join in the application. This partially executed Declaration satisfies the requirement that all available joint inventors (i) execute an oath or declaration on their own behalf as required by 37 C.F.R. § 1.63 and (ii) execute an oath or declaration on behalf of the nonsigning joint inventor as required by 37 C.F.R. § 1.64, and in accordance with MPEP §

**Appl. No.** : 10/756,846  
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409.03(a) “an oath or declaration signed by all the available joint inventors with the signature block of the non-signing joint inventor(s) left blank may be treated as having been signed by all the available joint inventors on behalf of the non-signing inventor(s), unless otherwise indicated.”

#### **Statements of facts**

Applicant submits herewith the following declarations in support of the conclusion that the nonsigning inventor's conduct constitutes a refusal to sign:

1. Declaration of Katrien Meuwis;
2. Declaration of Wim Van den Boeck;
3. Declaration of Eric Daenen;

The declarations show the diligent efforts made to contact the nonsigning inventor, in person, by telephone, by e-mail, and by certified mail to obtain his cooperation, and his continued refusal to sign the required declaration.

#### **LAST KNOWN ADDRESS OF SAM SIAU**

The last known address of Sam Siau, the nonsigning inventor, is: Burgemeestersplein 17, 9300 Aalst, Belgium. Sam Siau is a Belgian citizen.

#### **CONCLUSION**

Based on the foregoing, it is submitted that a diligent effort has been made to obtain Sam Siau's signature on the Declaration of Inventorship. Sam Siau, a joint inventor of the subject matter of the above-referenced application, has repeatedly refused to sign the Declaration of Inventorship.

Applicant submits that the remaining joint inventor, Jan Vanfleteren, may make the application for patent on behalf of himself and on behalf of the omitted inventor, Sam Siau, in accordance with 37 C.F.R. § 1.47 (a). Furthermore, Applicant respectfully submits that the Declaration of Inventorship executed by Jan Vanfleteren satisfies the requirement that all

**Appl. No.** : 10/756,846  
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available joint inventors (i) make an oath or declaration on their own behalf as required by 37 C.F.R. § 1.63 and (ii) make an oath or declaration on behalf of the nonsigning joint inventor(s) as required by 37 C.F.R. § 1.64.

Applicant respectfully requests that this petition under 37 C.F.R. §1.47(a) be granted and that Applicant be allowed to file and prosecute the above-identified patent application without the signature of Sam Siau. If there are any obstacles to a prompt approval of this petition, the Patent and Trademark Office is invited to contact the undersigned attorney.

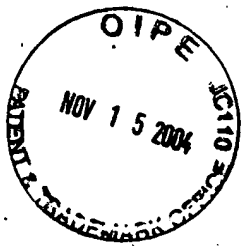
Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: 11/12/04

By:   
Rose M. Thiessen  
Registration No. 40,202  
Attorney of Record  
Customer No. 20,995  
(619) 235-8550

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Examiner	: Unassigned
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**DECLARATION OF KATRIEN MEUWIS**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

I, Katrien Meuwis, declare as follows:

1. I am a citizen of Belgium residing at Smisveldstraat 51 3370 Boutersem. I am a Patent Officer in the Business Development / Intellectual Property Department of Interuniversitair Microelektronica Centrum ("IMEC"), and I am responsible for managing matters relating to the prosecution of U.S. Appl. No. 10/756,846 ("the '846 application").

2. Sam Siau, one of the two inventors named in the '846 application, has refused to execute a Declaration of Inventorship in accordance with 37 C.F.R. §1.63. A Declaration of Inventorship was executed by Jan Vanfleteren, one of the two named inventors, on behalf of himself and on behalf of the omitted inventor, Mr. Siau, who has refused to join in the application. Despite diligent efforts to contact the nonsigning inventor, Mr. Siau, in person, by telephone, by e-mail, and by certified mail to obtain his cooperation, he has continued to refuse to sign the required Declaration of Inventorship.

3. On May 18, 2004, Ingeborg Boerenkamp, Office Manager in the Business Development / Intellectual Property Department of IMEC, mailed a Declaration of Inventorship and Assignment to Mr. Siau and Mr. Vanfleteren for execution. In response to the

correspondence, Sam Siau sent an e-mail to Ms. Boerenkamp on June 17, 2004, stating he had could not read the documents since he had too much work. Ms. Boerenkamp sent Mr. Siau e-mails on June 28, 2004 and July 8, 2004, requesting that he execute the documents and return them to IMEC.

4. On July 14, 2004, Mr. Siau sent a letter to IMEC via certified mail stating that he could not accept certain elements of the documents sent to him for execution, and proposed a meeting to discuss the elements.

5. During the week of July 12, 2004, Wim Van den Boeck, a Patent Officer at IMEC, spoke to Mr. Siau by telephone regarding matters relating to the '846 application. Mr. Siau stated that he was not convinced that he had an obligation to assign to IMEC his rights in the invention as claimed in the '846 application. Mr. Van den Boeck told Mr. Siau he was obligated to assign his rights to IMEC according to his employment contract with IMEC and according to provisions of Belgian Law relating to an employee's obligation to assign rights in an invention to his employer. Mr. Van den Boeck was unable to convince Mr. Siau to execute an assignment of rights to IMEC or to execute a Declaration of Inventorship. Mr. Siau indicated that he would discuss with his legal advisor the '846 application and whether he had any obligation to assign his rights to IMEC.

6. On September 9, 2004, Eric Daenen, the Director of Human Resources of IMEC, met with Mr. Siau at Universiteit Gent – INTEC, St. Pietersnieuwstraat 41, B-9000, Gent, Belgium, to discuss matters relating to the '846 application. During the meeting, Mr. Siau asserted that he was not obligated to assign to IMEC his rights in the invention as claimed in the '846 application, and he refused to execute a Declaration of Inventorship. Andre Van Calster, the Division Director of INTEC, and Johan de Baets, Mr. Siau's immediate supervisor at INTEC, then joined the meeting, and after further discussion, Mr. Siau again refused to execute a Declaration of Inventorship. Mr. Daenen subsequently spoke to Mr. Siau by telephone several times regarding the '846 application. During Mr. Daenen's last telephone conversation with Mr. Siau on October 6, 2004, Mr. Siau again refused to execute a Declaration of Inventorship.

7. On October 6, 2004, I spoke to Mr. Siau regarding the '846 application and requested that he execute the documents previously provided to him. Mr. Siau never denied that he is properly named as an inventor of the '846 application. Instead, he offered the following as grounds for refusing to execute the Declaration of Inventorship and Assignment of rights to

IMEC: that the invention was not related to his research at IMEC; that he used his own materials, not IMEC materials, to conduct tests related to the invention during the first year; that the first contact between Jan Vanfleteren and IMEC regarding an application directed to the invention was without notifying him; and that his professional relationship with his group leader and department was not good. Mr. Siau then again refused to execute a Declaration of Inventorship and the Assignment of rights to IMEC.

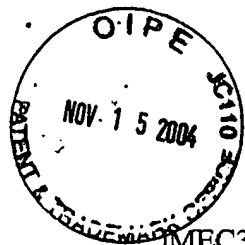
8. On November 3, 2004, I sent Mr. Siau a Declaration of Inventorship, Assignment, and a copy of the '846 application as filed via certified mail to his home address (Burgemeesterplein 17, 9300 Aalst, Belgium; Certified Mail No. 0105412BB5004526 21400029476605) and work address (INTEC – Universiteit Gent, St. Pietersnieuwstraat 41, 9000 Gent, Belgium; Certified Mail No. 0105412BB5004526 21400029476604). I contacted Mr. Siau by telephone on November 8, 2004, to confirm that he had received the Declaration of Inventorship, Assignment, and copy of the '846 application as filed. He confirmed receipt of all documents. In a telephone conversation later that same day, Mr. Siau confirmed that he refuses to sign the Declaration of Inventorship.

9. I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.

10. The undersigned declares further that all the statements made herein of her own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful, false statements may jeopardize the validity of the application or any patent issuing thereon.

Dated: 9/11/2004

  
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Katrien Meuwis



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DECLARATION OF WIM VAN DEN BOECK

Assistant Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

I, Wim Van den Boeck, declare as follows:

1. I am a citizen of Belgium residing at Rue de Hamme-Mille 164, 1390 Nethen, Belgium. I am a Patent Officer in the Business Development / Intellectual Property Department of Interuniversitair Microelektronica Centrum ("IMEC"), and I work with Katrien Meuwis, also a Patent Officer at IMEC, on various patent matters.

2. Sam Siau, one of the two inventors named in U.S. Appl. No. 10/756,846, has refused to execute a Declaration of Inventorship in accordance with 37 C.F.R. §1.63.

3. During the week of July 12, 2004, I spoke to Mr. Siau by telephone regarding matters relating to the '846 application. Mr. Siau stated that he was not convinced that he had an obligation to assign his rights in the invention as claimed in the '846 application to IMEC. I told Mr. Siau he was obligated to assign his rights to IMEC according to his employment contract with IMEC and according to provisions of Belgian Law relating to an employee's obligation to assign rights in an invention to his employer. I was unable to convince Mr. Siau to execute an assignment of rights to IMEC or to execute a Declaration of Inventorship. Mr. Siau indicated that he would discuss the '846 application and his duty to assign to IMEC with his legal advisor. I

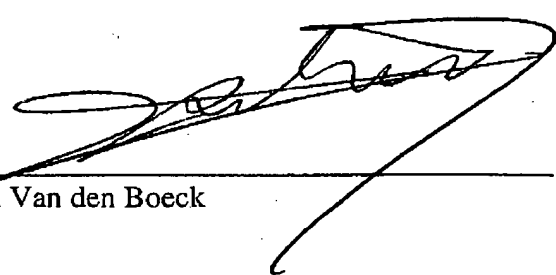
advised him to contact Katrien Meuwis, the IMEC Patent Officer responsible for the '846 application, to discuss the '846 application further.

4. I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.

5. The undersigned Applicant declares further that all the statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful, false statements may jeopardize the validity of the application or any patent issuing thereon.

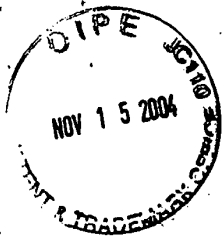
Dated: \_\_\_\_\_

8/11/04

  
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Wim Van den Boeck

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DECLARATION OF ERIK DAENEN

Assistant Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

I, Erik Daenen, declare as follows:

1. I am a citizen of Belgium residing at Kastanjebosstraat 7 - 3020 Herent. I am the Vice President Human Resources of Interuniversitair Microelektronica Centrum ("IMEC").
2. Sam Siau, one of the two inventors named in U.S. Appl. No. 10/756,846 ("the '846 application"), has refused to execute a Declaration of Inventorship in accordance with 37 C.F.R. §1.63.
3. On September 9, 2004, I met with Mr. Siau at Universiteit Gent - INTEC, St. Pietersnieuwstraat 41, B-9000, Gent, Belgium, to discuss matters relating to the '846 application. During our meeting, Mr. Siau asserted that he was not obligated to assign to IMEC his rights in the invention as claimed in the '846 application, and he refused to execute a Declaration of Inventorship and an Assignment of rights to IMEC. Andre Van Calster, the Division Director of INTEC, and Johan de Baets, Mr. Siau's immediate supervisor at INTEC, then joined the meeting between me and Mr. Siau. After further discussion, Mr. Siau again refused to execute a Declaration of Inventorship and an Assignment of rights to IMEC.

4. I subsequently spoke to Mr. Siau by telephone several times regarding the '846 application. During my last telephone conversation with Mr. Siau on October 6, 2004, Mr. Siau again refused to execute a Declaration of Inventorship and an Assignment of rights to IMEC..

5. I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.

6. The undersigned Applicant declares further that all the statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful, false statements may jeopardize the validity of the application or any patent issuing thereon.

Dated: November 8, 2004

  
\_\_\_\_\_  
Erik Daenen

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